



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 23 2015

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 2-107, Enforcement of the Standards for Use or Disposal of Sewage Sludge in All U.S. Environmental Protection Agency Regions

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Mark Hague, Region 7 Administrator

I hereby delegate to the U.S. Environmental Protection Agency's Region 7 administrator, as the national-program manager for the Biosolids Center of Excellence, the authority to conduct inspections, gather information and enforce standards outside the geographic boundaries of Region 7 on behalf of other regions for use or disposal of sewage sludge for various authorities as provided in the delegation.

2-107. Enforcement of the Standards for Use or Disposal of Sewage Sludge in All U.S. Environmental Protection Agency Regions (1200 TN 630)

1. **AUTHORITY.** The authorities as specified in delegations 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A, and 2-52B, pursuant to the Clean Water Act, as applied to conducting inspections, information gathering and enforcement of the standards for use or disposal of sewage sludge. These authorities will continue to apply in all EPA regions.
2. **TO WHOM DELEGATED.** In addition to the delegates specified in 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B, these authorities are delegated to the Region 7 administrator, as the national-program manager for the Biosolids Center of Excellence, to take action outside the geographic boundary of Region 7 on behalf of other regions.

3. LIMITATIONS.

- a. Any region may refer a biosolids matter to Region 7 for further investigation and/or enforcement; Region 7 may accept or decline the referral.
- b. Before exercising the authorities in paragraph 1 for matters located in whole or in part outside of Region 7, the delegatee in paragraph 2 must consult with the regional administrator or designee of the affected region. A region may elect to waive this limitation, if it so wishes, by notifying Region 7 of such waiver in writing.
- c. Before exercising the authorities in paragraph 1, each regional administrator or designee must consult with Region 7's administrator or designee on any biosolids investigation or enforcement action that he or she is pursuing. Region 7's administrator or designee may elect to waive this requirement, if he or she so wishes, by notifying the affected region of such waiver in writing.

4. REDELEGATION AUTHORITY.

- a. The authorities above may be redelegated to Region 7 personnel in the same manner as set forth for redelegations of authority in 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B.
- b. The authorities above may be further redelegated to Region 7 staff attorneys in assigned cases in the same manner as set forth for redelegations of authority in 2-14A, 2-51 and 2-52B to negotiate on behalf of the EPA, represent the agency in administrative and civil judicial enforcement actions and represent the agency in appeals.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 308, 309(a) and (g) and 405 of the CWA, 33 U.S.C. Sections 1318, 1319(a) and (g) and 1345, as amended.
- b. 40 C.F.R. Part 503.
- c. Office of Enforcement and Compliance Assurance Budget Adjustment Plan – August 2012.
- d. Delegations 2-13, 2-14A, 2-14C, 2-22, 2-51, 2-52A and 2-52B.